THE ORTHODOX OLD ROMAN CATHOLIC COMMUNION

SUPPLEMENT TO THE CIC 1917

Variances in application and particular law

Supplement to the Code of Canon Law 1917 as agreed by Holy Synod of the Orthodox Old Roman Catholic Communion in Chicago on 9 November 2017

Supplement to the Code of Canon Law

Table of Contents

PART I: GENERAL NORMAL RULES *Reference CIC 1917 First Book, General Norms; the following supersede* 2

PART II: CLERICS *Reference CIC 1917, Second Book, On Persons; the following supersede* 4

Incardination In The Diocese 5

Concerning the Rights and Privileges of Clerics 7

Concerning the Obligations of Clerics 9

Reduction of Clerics to the State of the Laity 13

PART III: THE HIERARCHY 15

Of the Structure of the Church 15

The Episcopal College 16

Concerning Coadjutors and Auxiliary Bishops 17

Concerning the Succession 18

Concerning Domestic Prelates and Honorifics 19

Concerning the Provincial Synod and the Diocesan Chapter 20

Concerning Chapter Examiners 22

Concerning Provincial and Diocesan Organization 22

Concerning Parochial Appointments 25

PART IV: RELIGIOUS AND APOSTOLIC LIFE 27

The Structure of the Congregation of the Divine Charity 28

Concerning the Establishment of Religious Orders, Institutes etc 30

Concerning the Suppression of Religious Orders, Houses or Institutes 32

Concerning the Governance of Religious Orders, Institutes etc 32

Concerning Institutes of Religious Life for Women 34

PART V: THE SACRAMENTS 37

Concerning the Rites and Liturgies 37

Concerning The Sacrament Of Holy Orders 38

Concerning The Sacrament Of Baptism 40

Concerning The Sacrament Of Confirmation 40

Concerning The Sacrament Of Holy Eucharist 41

Concerning The Sacrament Of Matrimony 42

PART I: GENERAL NORMAL RULES
Reference CIC 1917 First Book, General Norms; the following supersede

Canon 1

§1. The Code is supplementary to the RCC Canons 1917, and supersede where conflicting within this jurisdiction.

§2. Existing customs or laws at variance with this codex are herewith abolished. Customs disapproved by the Codex are considered corruptions of the law and cannot in the future be revived and obtain the force of law, except it be clearly shown that the disapproval of the Codex shall have been in error.

Canon 2

The Law is not retroactive with the sole exception of judgements and censures effected before the institution of the Codex or unless it specifically states that it concerns a past act or judgement.

Canon 3

Those laws are to be considered invalidating which explicitly state or equivalently declare that an action is null and void or that a person is incapable of acting.

Canon 4

There can be no future censure for acts committed prior to the enactment of this Code unless explicitly stated as in ***Canon 5.***

Canon 5

Those under censure for delict prior to the enactment of this Code are under the burden to avail themselves of the saving clauses as contained herein since their status is by its nature perpetual, except the censure having been made other than in accordance with the prior law, but the ordinary may grant clemency.

Canon 6

The Law of the Church as contained herein shall be the general law of the Clergy and Faithful who are under the jurisdiction of the constituent Provinces of the Orthodox Old Roman Catholic Communion.

Canon 7

Ignorance of the General Law of the Church does not *per se* excuse from compliance with the law but may, at the discretion of the Courts Appointed be considered in extenuation with the principles of intent being requisite for a finding of canonical violations.

Canon 8

Ignorance or error is not presumed when it concerns the law or its penalty, or one's own action, or the notorious action of another. Concerning the non-notorious action of another,

ignorance is presumed until the contrary is proven. This rule shall apply when a transgressor is brought before the Ecclesiastical Tribunal for a violation of Canon Law.

Canon 9

Laws are authoritatively interpreted by the Ordinary acting in unity with the established Ecclesiastical Court of the relevant jurisdiction. Appeals are to be judged by the Primus of the Communion acting in unity with the relevant Archdiocesan Ecclesiastical Court. Authoritative interpretation of a law has the force of law itself.

Canon 10

Ecclesiastical laws must be interpreted according to the proper meaning of the terms of the law considered in their context. If that meaning remains obscure, one must have recourse to parallel citations of the Code if there are any, or to the purpose and circumstances and the intention of the Provincial Synods in union with the Episcopal College and Primus of the Communion.

Canon 11

The Codex expressly does not interfere with existing laws or custom of existing Religious Orders, their Constitutions or privileges as long as they are within the spirit of the law and not contrary thereto.

Canon 12

Precepts given to Individuals by the Metropolitan Archbishops bind them wherever they go, but they cannot be urged in an Ecclesiastical Trial and they expire with the authority of the one imposing the precept, unless they are given in the form of a legal document, or before two witnesses. An exception to this will be given in ***Canon 15***.

Canon 13

All Faculties, Authorities, Commissions, Warrants, Charters, by any person, prelate, priest or official of the Orthodox Old Roman Catholic Communion, to any Order, prelate, priest, organization or lay person, for the purpose of founding, instituting, erecting, soliciting or constituting parishes or societies, are by this Canon subject to recall only by proper action of Ecclesiastical Courts having proper and immediate jurisdiction.

Canon 14

Prior acts of any prelate or Provincial Synod before November 12, 2017, tending to bring discredit upon the Church shall be dealt with by summary sentence of the Ecclesiastical Court, condemned and forever abrogated, nullified and anathematized and can never more obtain the force of legality or validity.

Canon 15

In order that a custom may obtain the force of law in the Church, it must have received the consent of the Episcopal College explicit, or implicit per ***Canon 16***.

Canon 16

No custom can abrogate or modify the Divine Law, either positive or natural. In order that a custom may have the power to change Canon Law, it must:

(a) Have persisted for a period not less than thirty years.
(b) Be, by nature, reasonable.
(c) Have the implicit consent of the Episcopal College.

Canon 17

Dispensation, which is the relaxation or modification of Law in a particular case, can be granted by the Archbishop Metropolitan, the Ordinary, or by a successor and by those whom they have delegated, except as prohibited by specific Canon.

Canon 18

§1. From the General Laws of the Church, Auxiliary Bishops inferior to the Ordinary or Archbishop Metropolitan cannot dispense, not even in a particular case, unless the power has been conceded to them implicitly or explicitly or when recourse to the Ordinary or Metropolitan Archbishop is difficult and there is at the same time danger of causing great harm by the delay and the case is one in which it is reasonably presumed that the dispensation would be granted in the normal course of events.

§2. EPIEIKEIA, is that state of circumstance wherein it is possible to modify or dispense with the Law, even by inferior pastors and curates, when from the status, it is certain that though in actuality the law specifically states a course of action, it is morally certain in the mind that in that particular case it would not be the wish of the lawgiver to follow that course. In this case, the Law may be waived and recourse later be had to the Metropolitan Archbishop. Consistent abuse of the principle of Epieikeia is not lawful, but a corruption of the Law and subjects the offender to Trial for violation of Canon Law.

Canon 19

Pastors cannot dispense either from a General Law of the Church nor from special laws of the Ordinary without a minimum of presumptive consent. By custom introduced from time immemorial, pastors can normally only dispense their individual parishioners in special cases from fast and abstinence and permit them servile work on Sundays only.

PART II: CLERICS

Reference CIC 1917, Second Book, On Persons; the following supersede

Canon 20

Those who have been assigned to the Divine Ministry are called Clerics. They are not of the same degree; there is a Sacred Hierarchy, by which one is subordinate to the other. The Hierarchy, which is of Divine Institution by reason of Sacred Orders, consists of Bishops (in the fullness of the Priesthood), Priests, Deacons, and Subdeacons. Minor clerics are defined as Acolytes, Exorcists, Lectors, Porters, and the Tonsured; by reasons of jurisdiction, it consists of the Archbishop Metropolitan and the subordinate Episcopate, including honorary and domestic prelates. *(cf 1917 CIC 108)*

Incardination In The Diocese

Canon 21

An Ordinary should not incardinate a cleric of another Diocese set up within the Communion unless *(cf 1917 CIC 111, Nicæa Canon XV*[1] *& Ap Canon XXXIII*[2] *Pedalion)*:

a) The cleric is necessary or useful and the prescripts of Canon Law have been observed *(cf 1917 CIC 112-117)*.
b) The Ordinary has the authentic documentation / valid *litteræ dimissoriæ* excardinating the cleric from the previous Ordinary *(cf 1917 CIC 112)*.
c) The cleric has taken the oath of stability to serve the Diocese as appropriate *(cf 1917 CIC 117).*

Canon 22

The prescripts of ***Canon 21*** shall also apply in all cases to the priests of any other Church validly ordained entering upon the Sacred Ministry within the Communion, with the exception of *litteræ dimissoriæ*.

Canon 23

Priests may not change parishes, exchange parishes or transfer themselves from one Mission to another without the express written permission of the Ordinary *(cf 1917 CIC 114, Nicæa XV*[1] *Pedalion)* or the Archbishop Metropolitan in recourse to appeal. In the case of working clergy, diligent effort to accommodate the needs of the Priest and the Faithful must be made.

Canon 24

§1. No priest in charge of a parish or Vicar General/Capitulary nor Forane may, of his own volition, receive, even temporarily, any cleric not in possession of valid *litteræ dimissoriæ* or assign him to any work *(cf 1917 CIC 113)*. This shall not include priests on lawful canonical vacation in possession of a valid Celebret (letter) nor prevent a validly ordained cleric from assisting at any Liturgy or Sacrament.

§2. Another priest of the Communion may serve only temporarily in the event of necessity, but always after the Diocesan Chancery Office has been duly notified.

Canon 25

§1. There shall exist but two types of benefice: *Service of the Diocese* and *Mission Assignment*. In the service of the Diocese, any Bishop thereafter ordaining any priest for whom there is not an immediate place is responsible for the care and upkeep of that priest as a member of his domestic household unless he have secular employment and declares

[1] Ancient Epitome of Canon XV: Neither bishop, presbyter, nor deacon shall pass from city to city. But they shall be sent back, should they attempt to do so, to the Churches in which they were ordained.

[2] Apostolic Canon XXXIII: *"No foreign bishop, presbyter, or deacon, may be received without commendatory letters; and when they are produced let the persons be examined; and if they be preachers of godliness, let them be received. Otherwise, although you supply them with what they need, you must not receive them into communion, for many things are done surreptitiously."*

intent to continue in that status *(cf Ap Canon LIX[3] Pedalion)*.

§2. Any Bishop hereafter accepting the incardination of any priest from a foreign country, another Old Roman Catholic church, the Roman Catholic, Eastern Orthodox or Liturgical Protestant Church (if necessary, *sub-conditione* ordained in proper Succession and Form) shall be responsible likewise for the continuing care of said priest, subject to the same conditions as **§1**.;

§3. as shall any priest be likewise responsible bringing said clerics to any country without the express permission of the Provincial Synod and Archbishop Metropolitan Archbishop.

§4. No Bishop of these Jurisdictions shall ordain or consecrate outside of the OORCC or Jurisdictions with a Concordat of Intercommunion with the OORCC, and then only with express permission of the Primus and College in writing beforehand. Regardless of jurisdiction, no Bishop may provide any Sacrament of Order to anyone not a genetic male and meeting the minimum qualifications for the Order. The penalty for violation shall be *suspension a divinis* for a period of penance not less than 10 years, loss of all benefices and offices, and only then may there be any possibility of exercising any public ministry, after approval reserved to the College with the consent of the Primus.

Canon 26

Since the past has shown that *acephali* and *vagantes* (wandering unaffiliated clergymen) are a danger and a scandal to the Church, any cleric fostering or aiding and advising any cleric of this Church to solicit a transfer wherein there does not exist a valid assignment ready for him shall be subject to the penalties prescribed in these Canons for that offence *(cf Canon XV[1] Nicæa, Ap Canon XXXIII[2] Pedalion)*.

Canon 27

Clerics under censure are automatically excardinated by reason of judicial sentence and such is only lifted upon the expiration of the sentence of suspension or probation *(cf Ap Canon XI[4] & Canon XXXII[5] Pedalion)*. During this period, they are to be deprived from all vote, both active and passive and are forbidden Faculties *(cf Ap Canon XXVIII[6] Pedalion)*.

Canon 28

It is explicitly and expressly forbidden to allow any clergyman of any obedience other than that of the Old Roman Catholic, Roman Catholic, validly ordained Liturgical Protestant, or an Orthodox Church within the Sanctuary at any time during Divine

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[3] Apostolic Canon LIX: *"If any bishop, presbyter, or deacon, when any of the clergy is in want, does not supply him with what he needs, let him be excommunicated; but if he persists, let him be deposed, as one who has killed his brother."*

[4] Apostolic Canon XI: *"If any clergyman shall join in prayer with a deposed clergyman, as if he were a clergyman, let him also be deposed."*

[5] Apostolic Canon XXXII: *"If any presbyter or deacon has been excommunicated by a bishop, he may not be received into communion again by any other than by him who excommunicated him, unless it happen that the bishop who excommunicated him be dead."*

[6] Apostolic Canon XXVIII: *"If any bishop, presbyter, or deacon, having been justly deposed upon open accusations, shall dare to meddle with any of the divine offices which had been intrusted to him, let him be altogether cut off from the Church."*

Services unless he is in the process of incardination *(cf Ap Canon XXXIX[7] Pedalion)*.

Canon 29

Faculties and permission to say Mass are to be withheld in all cases where a visiting priest does not both display valid faculties, must have Celebret (letter) or be well known *(cf Ap Canon XI[4] & XXXIII[2] Pedalion)*. His name and origin must be entered into a book to be provided for that purpose and kept in the sanctuary for the inspection of the Ordinary or his designated Visitor.

Concerning the Rights and Privileges of Clerics

Canon 30 ***(cf 1917 CIC 119)***

All the Faithful owe the Clergy reverence according to their various ranks and offices and they become guilty of sacrilege if they do them personal harm.

Canon 31 *(cf 1917 CIC 120)*

All cases against clerics, both Civil and Criminal must be brought into the Ecclesiastical Court. No action may be taken against any juridical person without trial by a duly established Ecclesiastical Court in which the accused has been given the opportunity to be present and to present a defence.

Canon 32 *(cf 1917 CIC 122)*

All Clerics and Religious, who enjoy the privilege of the Forum cannot be brought into, or sued in a Civil Court without the permission of the Ordinary. Such permission should not be refused if the suitor be a lay person and especially after his attempts to secure a settlement have failed. If Clerics have sued or been sued in Civil Court without the obtained permission, they may appear in Court in response to competent Civil Authority but they shall inform the Ordinary from whom the permission should have been obtained.

Canon 33

§1. There is no bar to the sacrament of Holy Orders for those men who are married, as marriage is defined in these canons. The married state is a valid expression of the Christian life and ministry. The Primus, Metropolitan Archbishops or Episcopal College do not need to issue letters of dispensation to ordain an already married man to minor or major Orders saving the Episcopate (as is now the canonical practice of the universal Church, East and West).

§2. However, the sacrament of holy Matrimony may only be confected by a candidate for major Orders while they are still a minor cleric; ordained Subdeacons, Deacons and Priests may not marry *(cf 1917 CIC 132§1., 132§3 & Ap Canon XXVI[8] Pedalion)*.

§3 The Ordinary may grant leave to a man in minor Orders *(cf 1917 CIC 132§3)* to

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[7] Apostolic Canon XXXIX: *"Let not the presbyters or deacons do anything without the sanction of the bishop; for he it is who is intrusted with the people of the Lord, and of whom will be required the account of their souls."*

[8] Apostolic Canon XXVI: *"Of those who have been admitted to the clergy unmarried, we ordain, that the readers and singers only may, if they will, marry."*

confect the sacrament of holy Matrimony; but only after having made clear to such a man that if he be a candidate for major Orders, his advance will end at the priesthood and he will be exempt from election to the episcopate.

§4 The Ordinary should only defer such leave to a minor cleric to marry if circumstances of the marriage would present a significant scandal or other impediment to the effectiveness of the clergy or the reputation of the Church *(cf 1917 CIC 132§3)*.

§5 Both spouses of a clerical marriage are to agree freely and forswear in the presence of the Ordinary, to enjoin themselves to observe 24 (twenty-four) hours of continence prior to the cleric assisting liturgically at the holy Sacrifice of the Mass or before offering the holy Sacrifice of the Mass if a priest *(cf Carthagean Canon III & IV Pedalion*[9]*)* prior to ordination of the minor cleric to major Orders. (This Canon suspends all previous versions)

Canon 34

Clerical Celibacy shall be the General Norm in accordance with the injunction of St. Paul to the Corinthians I. Vii. 8-9, though without prejudice to the possibilities described in ***Canon 33***. In the canon law of the Latin Church, the word "celibacy" is used specifically in the sense of being unmarried. (This Canon suspends all previous versions)

Canon 35

Celibacy shall be obligatory upon the Religious Orders, with the express exception of Secular Tertiaries of those Orders.

Canon 36

Clerics are possessed of the Power in the sanctification of the Faithful by Sacred Rites and of Power of Jurisdiction to govern the Faithful for the fulfilment of the Supernatural Ends for which the Church was established.

Canon 37 *(cf 1917 CIC 121 & Ap Canon LXXXIII Pedalion)*

Clerics enjoy the privilege of Immunity from Military Service, which right is nominally respected in the United States and in the UK. In time of grave national peril, clerics ought not to withhold their Sacred Ministrations even though they are not assigned Chaplaincies and are canonically free to do so even when conscripted into Military Service. Membership in State Defence forces (“State” or “Home” Guards) is not prohibited to Clerics due to the nature of such service.

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[9] Canon 3. *“It has been decided that as regards these three ranks which have been conjoined by a certain bond of chastity and of sacerdocy (I am referring particularly to Bishops, Presbyters, and Deacons), as befits devout Bishops and Priests of God, and Levites, and those ministering to divine institutions, they must be continent in all things, so as to be able to obtain whatever in general they ask God for, in order that we too may likewise keep what has been handed down through the Apostles and has been held ever since the early days.”*
Canon 4. *“It is decided that Bishops, Presbyters, and Deacons, and all men who handle sacred articles, being guardians of sobriety, must abstain from women.”*

Concerning the Obligations of Clerics

Canon 38 *(cf 1917 CIC 124)*
The essential obligation of every Cleric constitutes the adherence to the Law of the Church; orthodoxy in the matter of Sacred Rites and Doctrine; the respect and obedience due his lawful superiors; the zealous guarding of Faith and Morality; protection of the sanctity of innocent life from the moment of conception until natural end of life; and the unceasing attention to his priestly office in caring for the souls committed to his charge.

Canon 39 *(cf 1917 CIC 125)*
The Bishop must take care that the clergy frequently go to Confession, make a daily meditation or keep the Divine Office and make frequent visits of the Blessed Sacrament.

Canon 40 *(cf 1917 CIC 126)*
All Secular clergy must, at least once in three years make a retreat for a time specified by the Ordinary. No one shall be exempted from this retreat except in a particular case, for a just reason and with the explicit permission of the competent ecclesiastical authority.

Canon 41 *(cf 1917 CIC 127)*
All Clerics, but especially the priests, are under the solemn obligation and vow made at their ordination to obey and respect their Metropolitan Archbishop and the Ordinary within the limits of a formed conscience. In those areas not Canonically erected into Dioceses, the Clergy are immediately subject to the Vicar delegated by the Archdiocesan Chancery to exercise Jurisdiction.

Canon 42 *(cf 1917 CIC 128)*
The Office imposed on clerics must diligently be attended to as long as the Bishop judges that the needs of the Church require that particular service of the priest.

Canon 43 *(cf 1917 CIC 129)*
The Clerics, after being Ordained Priests, must not neglect studies, but rather increase them, to the greater apologetic erudition of the Church and especially in the Sacred Sciences in which they should follow the sound doctrines handed down to us by the Fathers and universally received by the Undivided Church.

Canon 44 *(cf 1917 CIC 130)*
§1. All Priests, even though they have a parochial charge, must undergo for three years after their incardination, an examination in the Sacred Sciences as outlined by the Ordinary.
§2. In the appointment to existing parishes or benefices, those ought to be preferred who excelled in academic pursuits.
§3 Those ordained within the church in compliance with the established requirements for formation are exempt from such examination.

Canon 45
§1. All clerics have the right and are typically bound to wear becoming clerical garb *(cf 1917 CIC 136§1.)* in accordance with the legitimate custom of places and in accordance

with this Canon.

§2. Clerics are not allowed to wear a ring (other than academic or ecclesiastical or a wedding band and outside of the Mass, excepting Episcopal rings which may be worn at Mass) or any ostentatious or eccentric articles of dress *(cf 1917 CIC 136§2.)*.

§3. In their community and on the grounds of Church property, clerics should not appear in secular garb but should wear the cassock or religious habit peculiar to their Religious order. This may be modified if one is a working cleric, or if the custom of the place should suggest modification with the approbation of the Ordinary *(cf 1917 CIC 136§3)*.

§4. Chaplains in uniform fulfil the requirement of clerical garb.

Canon 46

§1. Because of the condition in the United States which consists in the separation of Church and State, clerics need not wear the cassock or Religious habit as a matter of form off ecclesiastical property. Modified habit shall consist in the standard black suit or frock coat, Rabat and Roman Collar. A Capello Romano or Fedora hat should normally be worn as a matter of course in conformity with ecclesiastical dignity.

§2. The biretta should be considered as choir dress and need not be worn outside except in cases of solemn dignity for civic ceremonies or liturgical processions.

§3. The zucchetto is optional for wear by any cleric outside of Mass. A Priest, who is Pastor, at Mass according to the rubrics may wear it, except when a Prelate is present.

§4. All Prelates at a Mass where there are several may wear the zucchetto.

Canon 47 *(cf 1917 CIC 124, 138 & 139)*

Clerics must abstain from all things unbecoming their state; they must not exercise unbecoming arts or sponsor any benefit (fundraiser) contiguous to Church property wherein alcoholic beverages are dispensed, purveyed or sold.

Canon 48

Alcoholic beverages should not be served to excess in any rectory or Religious Institution. This is not to be construed to exclude the common display of ordinary hospitality or customary beverages served with meals or the celebration of feasts. In all cases, sensitivity towards those who may have an addiction to alcoholic beverages must be maintained.

Canon 49 *(cf Ap Canon LXXXI Pedalion)*

Even those occupations which are not unbecoming to the Clerical State, but which are foreign to it, the clergy must avoid whenever possible.

Canon 50 *(cf 1917 CIC 139§3, Ap Canon LXXXI Pedalion)*

Without express permission from the Ordinary, clerics shall not act as agents for the goods or property of lay people; or assume secular offices that impose the obligation of rendering an account; nor exercise the office of procurator or lawyer, except in the Ecclesiastical Court or in the Civil Court when there is question of his own case or that of the Church.

Canon 51

Canon 50 shall not be deemed to include the Office of Notary Public or Representative

before the Board of Immigration Appeals or Probation Board of the various Criminal Courts of the land wherein there is no financial or beneficial interest involved on the part of the participant but merely the welfare of a member of the Church. Any cleric who was engaged in the practice of civil law at the time of ordination or incardination is free to continue his profession in pursuit of his livelihood.

Canon 52 *(cf 1917 CIC 140)*

§1. The clergy must keep away from those performances, dances or shows which are unbecoming to the clergy and where it would be scandalous to see them attend. Despite the laudable custom of free admission granted by many of the operators of the establishments to members of the clergy, mere attendance is scandalous if the performance is such that the Church would be impugned by the attendance of the clerics.

§2. Should there be a particularly worthwhile historical or educational event being displayed, shown or exhibited permission may be presumed, but for good taste, the cleric should never attend alone and never in such company which might, of itself, constitute scandal. There should always be a cleric or wife as companion.

Canon 53

§1. Clerics shall not volunteer for Military Service without the permission of the Ordinary *(cf 1917 CIC 141§1.)*.

§2. Clerics must not take part in or help, aid or abet, any internal revolt or disturbance of public order *(cf 1917 CIC 124, Ap Canon LXXXIX Pedalion)*.

§3 Clerics in Minor Orders who volunteer for Military Service are ipso facto reduced to the lay estate without further process of Canon Law *(cf 1917 CIC 141§2.)*. This canon does not apply to Chaplaincies.

Canon 54 *(cf 1917 CIC 124, Ap Canon LXXXIV Pedalion)*

Clerics who knowingly lend themselves to, join, participate in or otherwise render themselves culpable in any seditious or notorious organization, group, order, association, body, or congregation, whose particular aims or intentions are proven or have been proven to be openly antagonistic to the Constituted Nation State are ipso facto suspended and subject to the penalties as set forth in Canon Law.

Canon 55

All clerics entering the United States from a foreign country intending to permanently reside herein, after having been lawfully incardinated in accordance with those provisions of Canon Law, shall, within the period of 5 years, make formal Declaration of Intention to become United States Citizens and shall subsequently proceed in the manner prescribed by law. Those in like situations in other nations shall follow the rules of the country they reside in to the same effect.

Canon 56 *(cf 1917 CIC 143)*

Clerics, even though they have no parish or benefice, are forbidden to be absent from their ecclesiastical domicile for a notable length of time without the express permission of the Ordinary. When such permission has been, in fact granted, reports of activities must be made at least every month during the period of lawful absence.

Canon 57

Clerics are bound to fulfil their obligation imposed upon them by the Provincial Synod in the matter of Cathedraticum and other assessments made upon them by Provincial Synod Vote. Poverty of a cleric will excuse him from these obligations upon affidavit to the Ordinary and formal written dispensation, but the cleric must make some contribution according to his means.

Canon 58

§1. Clerics assigned a parish or mission may not, of their own volition become inactive or inoperative *(cf 1917 CIC 128)*.

§2. The clerics of the Church should ever, with unceasing diligence, labour for the good of the Church and the salvation of souls without regard for personal well-being beyond a reasonable living.

§3. Clergy who are retired or are unable to work by reason of physical disability will be dispensed upon formal application to the Ordinary.

Canon 59 *(cf 1917 CIC 131)*

Clerics are obliged by this Canon to be present at all clerical meetings called by the competent ecclesiastical authority designated to exercise jurisdiction over any particular area, unless there are compelling reasons for which they may be excused by the Ordinary. Since the local Chapter or Deanery is the nucleus of combined effort and teamwork within the Church, the importance of constant intercommunication cannot be overstressed. At those meetings, all matters pertaining to the welfare of that particular area and the Church in General shall be discussed and appropriate action taken.

Canon 60

It shall be the duty of the cleric appointed as secretary of the local Chapter or Clericus, to forward, in duplicate, a complete documentary transcript of the proceedings to the Chancery Office at the close of the meeting following its approval by signature of the responsible prelate or dean.

Canon 61

It is the indispensable duty of all clerics to furnish prompt certified copies of all pertinent documents, Baptism and Death or Marriage Certificates, yearly Census reports and parish protocols to the Chancery for filing. Failure to keep adequate records may expose the clergy and laity to future inconvenience and possible disaster if those records are not readily available.

Canon 62

§1. The Archives of the Church shall consist of

I. all documentary evidence of Census, Baptism, Confirmation, Ordination and Matrimonial matters;
II. the transcripts of all ecclesiastical trials or disciplinary matters;
III. the personnel records of all clerics of the Church;
IV. documents of concordat or inter communion the duplicates of all balloted votes taken at Provincial Synods together with all historical and financial reports pertaining thereto and full and concise directions for the successor to the Archbishop Metropolitan Archbishop should his untimely death occur.
V. The financial records of the Parishes and Missions.

§2. The Archives shall contain a separate box, of a secure nature, locked by two keys, one to be held by the Archbishop Metropolitan Archbishop and the other by the Chancellor of the Archdiocese. In this receptacle shall be kept all papers of a confidential nature.

§3. The Archives of the Church shall be made available to inspection and inventory by a committee appointed by the Metropolitan Archbishop during Provincial Synod, wherein disposition may be made of outdated materials. These shall be destroyed by fire and a brief notation kept for the record.

Canon 63

Due caution shall be taken that no unauthorized person obtain any access to the Archives. Persons or Clerics removing any paper or document shall leave in its place a signed receipt, giving the date and purpose of removal and authority and his signature. He shall then become personally responsible for its safe return. Authority for such temporary removal shall be obtained from the Metropolitan Archbishop, Ordinary (on records pertaining to the Diocese or Mission or Ordinariate), or if, by reason of any inability to act, from the Coadjutor or Vicar General.

Canon 64 *(cf 1917 CIC 147, 148)*

Ecclesiastical Offices cannot be obtained except by canonical appointment. By ecclesiastical or canonical appointment is understood the conferring of an office by the competent ecclesiastical authority, according to the Sacred Canons *(cf 1917 CIC 152-182)*.

Canon 65

Appointment to any office must be made in writing, duly attested by the Ordinary and Chancellor of the Diocese.

Canon 66

All clerics are bound by the obligation to pursue the Sacred Sciences of Moral and Pastoral Theology, Canon Law, Liturgics and Sacred Scriptures at an approved College or University or in coursework provided by the Church, as outlined in the policy for clerical formation.

Canon 67

The preliminary studies of Philosophy and the profane sciences should precede the elevation to the Subdiaconate as outlined in formation policy.

Canon 68

All Clerics and Religious shall recite some form, albeit abbreviated, of the Divine Office without exception every day, from the day of their incardination.

Reduction of Clerics to the State of the Laity

Canon 69

Though Sacred Ordination, once validly received cannot be invalidated, nevertheless a cleric in minor orders may be reduced to the state of the laity by written request or by

sentence of the ecclesiastical court.

Canon 70

A cleric in minor orders may be reduced to the state of the laity not only by the very fact of committing actions to which the law attaches loss of the clerical state *(cf 1917 CIC 2298)*,

(a) but also by his own free will under conditions wherein he requests the Ordinary to allow him to return to the lay estate;
(b) or the effect when the Ordinary prudently judges that the cleric could not with due respect for the clerical state be promoted to Sacred Orders;
(c) or the cleric indulging in activities which bring scandal on the Church, ipso facto relegating him to the lay estate without further process of Canon Law *(cf 1917 CIC 2300)*.

The burden of proof shall be on the Ordinary.

Canon 71

If a cleric in Minor Orders has for any reason returned to the State of the Laity, he can again be admitted to the Clergy with the permission of the Ordinary into whose Diocese he was incardinated by Orders. The Ordinary should, however, grant permission only if the cleric be blameless and worthy of re-incardination and the cause for his reduction was not such that his moral character was affected. A period of probation should be designated and the cleric tested anew for his vocation.

Canon 72

Clerics reduced to the Lay estate by delict or act of commission which is culpable under Canon Law is by this canon, impeded from again entering upon the clericate (the clerical order) until canonically reinstated, but he may not be forbidden the sanctuary of a Religious House if he be penitent and desirous of expiating his delict.

Canon 73

A cleric in Major Orders who has returned to the Lay Estate may not be readmitted to the Clerical State except by letters from the Chapter and Ordinary, except violations reserved as prescribed in Canon 25. This shall not be deemed to include cases not culpable under Canon Law.

Canon 74

Clerics in Major Orders reduced to the State of the Laity by reason of judicial sentence are enjoined from ever being ordained further or publicly exercising the Orders already received. The Impediment is, by its very nature perpetual without there being the presence of a rescript. Dispensation may only be granted after a period of lengthy probation and the approval of the Ordinary and Chapter or Metropolitan Archbishop and Provincial Synod, respective of Jurisdiction.

Canon 75

All clerics who have been legally reduced to the state of the laity, except by permission granted for cause not affecting their moral character, thereby lose all office, benefice, rights and privileges of the clerical state.

PART III: THE HIERARCHY
Of the Structure of the Church

Canon 76

A. The Worldwide Church shall be known as the Orthodox Old Roman Catholic Communion (OORCC), and consists of the ORCCA – Old Roman Catholic Church of America (also known as and incorporated as the OCCA – Old Catholic Church of America) and the ORCCE – Old Roman Catholic Church of Europe (historically known as and registered in England & Wales as the OCCE – Old Catholic Church in Europe), and is governed by an OORCC College chaired by a Primus and consisting of the Metropolitan Archbishops of the ORCCA and ORCCE, their Auxiliaries, their Prelates (Monsignori) and their Chancellors, lay or cleric. This canon may be modified to include additional Jurisdictions by concurrence of the Primus and the Metropolitan Archbishops.

B. The ORCCA is the Province of the Americas and the Pacific Rim and consists of the Dioceses of Chicago, Louisiana, and Wisconsin; the ORCCE is the Province of Europe, Africa, and Mainland Asia, and consists of the Dioceses of Great Britain, Ireland, Anatolia, Gallia, Hæmus, Ibera, North Central Europe, South Central Europe, and Terra Meriana. The Provinces are governed by a Provincial Synod chaired by a Metropolitan Archbishop and consisting of the Diocesan Bishops (Ordinaries), their Prelates, and their Chancellors, lay or Cleric. This canon may be modified by the Metropolitan Archbishop of the respective Province to include dioceses and their deaneries.

C. The Dioceses are erected by the Metropolitan Archbishops with the advice and consent of their Provincial Synods. They are governed by a Chapter chaired by the Bishop (Ordinary) and his Auxiliaries, his Prelates, and his Chancellor, who must be laity, and one other required lay member of the Chapter. In large Dioceses, there may be a third lay member of the Chapter, at the Chapter's option.

D. It is the duty of the Metropolitan Archbishops in their Provinces and the Ordinaries in their Dioceses:

1. To place into Office those who have been presented for a benefice except when that right properly belongs to the separate Ordinaries.
2. To make the Canonical Visitation of the Dioceses (Metropolitan Archbishop) and Parishes (Ordinaries) and all Territories of the jurisdiction, if those delegated by him to so do fail in their duty.
3. To watch over the faithful observance of faith and discipline throughout the Church as a whole.
4. To exercise the Pontifical in all Churches within the Jurisdiction even those exempt (conventuals).
5. Of the Metropolitan Archbishop: To receive appeals from Judicial Sentences passed by those under his jurisdiction and to act as the Court of the Second Instance.
6. His Ecclesiastical Court is the Court of the First Instance in cases concerning Bishops, their rights, and temporal goods.
7. To convene the Provincial Synod and to preside at its deliberation.
8. Of the Metropolitan Archbishop: To consecrate Bishops canonically elected and whose election shall have been done by the Chapter and confirmed by the Provincial Synod and the College.
9. To designate his Coadjutor (if the College grants such to a Metropolitan Archbishop or the Provincial Synod grants such to an Ordinary) but such

designation shall require the majority consent of the Provincial Synod or College assembled at the earliest regular time subsequent thereto.

10. To precedence over all other Bishops and Lesser Prelates within the Province (or Diocese, in the case of Ordinaries).
11. To appoint all officials of the respective Curia and to remove them from office for just cause, but those offices affecting the jurisdiction of Bishops must be ratified by the Provincial Synod (or Chapter, in the case of Dioceses).
12. To exercise Jurisdiction over all Religious Orders in accordance with their Constitutions.
13. To have Ordinary jurisdiction over all Bishops who function as his auxiliaries. In the case of Dioceses or Provisional or Missionary Dioceses canonically erected, the Ordinary shall be governed by the concerned Canons, but lacking any Bishop, the Metropolitan Archbishop shall serve as the Episcopal Ordinary to the Vicar.

The Episcopal College

Canon 77

The Bishops are successors to the Apostles and before a cleric is elevated to the Episcopate, suitable proof must be furnished that the individual is worthy.

Canon 78

The prerequisites for a candidate to the Episcopate are:

a) He must be at least thirty years of age;
b) He must have been ordained a priest for at least a reasonable time (normatively 3 years) and must have exercised his sacerdotal orders within the Old Roman Catholic Church of America or the Old Roman Catholic Church of Europe for the same length of time;
c) He must be of good character, with piety and zeal for souls, prudent and otherwise qualified to perform the office of Bishop;
d) He must hold a Doctorate or Licenciate in Theology or Canon Law in an Institution of Learning approved by the Church, or must submit to an examination in these Sacred Sciences or have demonstrated knowledge of the same by long service to the Church, which supplies the honorary degree “Doctor of Divinity”.

Canon 79

All those who are elected, by their Chapter, or, if there be no candidate forwarded by the Chapter, are nominated by the Metropolitan Archbishop for Consecration must have the aforesaid qualifications. The Provincial Synod, and subsequent to their approval, the Collge shall have the right to pass judgment on the qualifications and character of any candidate for the Episcopate. Only the College may issue a Mandatum, and no Consecrations may be done without such Mandatum.

Canon 80

The Bishop, unless he be an Auxiliary or Coadjutor shall have the right and duty to govern the Territory or Diocese assigned him. His jurisdiction shall extend to temporal as well as spiritual affairs and to this end he has legislative, judicial and coercive power,

which must be exercised in accordance with the laws of the Sacred Canons and ever be restrained by those Canons in the spirit of Christian love for those who are governed.

Canon 81

§1. Only those Bishops elected by the Provincial Synod at large and Consecrated by the Metropolitan Archbishop or his delegated Bishop, and the body of the College, Provincial Synod, or Chapter may exercise the right of Jurisdiction, except a Religious Superior over his own Religious.

§2. Any Bishop of this Church, consecrated sub rosa without the express authority as stated above is impeded from obtaining a Diocese or acting as a Bishop except by Provincial Synodical Indult, which indult shall have been subsequently approved and ratified by the Provincial Synod assembled.

Canon 82

It is neither just nor right that the Sacred Office of the Episcopate shall be obtained or provided to others outside of the OORCC by independent consecration and the conditions as set forth in ***Canon 78*** shall govern. Violation of this canon will subject both the consecrator and the consecrated to severe canonical penalty, not to exclude loss of clerical state (as prescribed in ***Canon 25***) and excommunication reserved to the Primus and College.

Canon 83

The Laws of the individual Bishops with advice and consent of their Chapter begin to bind immediately upon promulgation unless he provides otherwise. The Bishops determine the method of promulgation; the Canon on prescripts is valid herewith in the same sense.

Canon 84

The Bishop must urge the observance of the Law and be an example to his clerics by his compliance and he cannot dispense from the General Law of the Church except as specified in these canons.

Canon 85

Every Bishop must make a monthly activity report of conditions within his diocese.

Canon 86

Such reports shall, in context follow the formulas as set forth by the Chancery Office of the Province in all respects.

Canon 87

The Bishop must visit his entire Diocese at least once in every two years in person. He may delegate a Vicar Forane or other qualified prelate for these visits.

Concerning Coadjutors and Auxiliary Bishops

Canon 88

The College only can give a Coadjutor to a Metropolitan Archbishop for his See (but not his Metropolitinate) or the Provincial Synod to a Diocesan Ordinary. Auxiliary

Bishops may be granted by the permission of the Primus acting alone, but they will not have the right of succession in the respective see.

Canon 89

The rights of the Coadjutor given to a Bishop are to be learned from the letters of appointment vigorously examined for provenance (*cf Canon 353 CIC 1917*). Unless otherwise stated in the Apostolic Letters the Coadjutor given to an Ordinary who is quite incapacitated has all the rights and duties of the Ordinary; in other cases he has only those rights delegated to him by the Ordinary of the Diocese.

Canon 90

What the Coadjutor is able and willing to do, the Bishop ought not to delegate to another.

Canon 91

The Coadjutor has the duty to perform the Pontifical and other functions which the Bishop would have to perform himself as often as he is requested by his Bishop and is able to attend to them, but never to ordain anyone of his own accord (*cf Canon 352 CIC 1917, Canon XIII Ancyra*[10]).

Canon 92

The Coadjutor with the Right of Succession becomes Ordinary at the exact time the See or Diocese becomes vacant or upon the decease of the Ordinary, provided he took legitimate possession of his office after Canonical appointment (*cf Canon 355§1 CIC 1917*).

Canon 93

The Office of the Auxiliary expires with the Office of the Bishop, unless it is stated otherwise in the Apostolic Letters or appointment. (*cf Canon 355§2 CIC 1917*).

Concerning the Succession

Canon 94

In the event of the demise of a Dicoesan Bishop, Metropolitan Archbishop, or Primus, and his Coadjutor concurrently, or if there be no Coadjutor, or if the Bishop shall be removed from office by an Episcopal Tribunal for cause, all Church property, real or otherwise, all Church books and records will be administered by the Legal Administrator of Record (Vicar General or Chancellor) of the Province or Diocese until a Bishop be elected (and episcopally Consecrated, if not already). The Administrator of Record will retain his administrative authority until a new Bishop has been elected, consecrated (if not previously consecrated canonically) and installed and that authority suspended in writing by the Metropolitan Archbishop.

Canon 95

[10] Canon 13. "*Auxiliary Bishops shall have no right to ordain presbyters or deacons, but, moreover, not even city presbyters may they ordain, without being allowed to do so by the Bishop with letters in another diocese.*"

The Administrator of Record (Vicar General or Chancellor) of the Province or Diocese where conditions exist as stated in Canon 219, shall convene a special Provincial Synod or Chapter of the Bishops, Priests, Deacons, and Superiors of male religious orders of the Jurisdiction within 30 days of the occasion of conditions in Canon 219. The purpose of the special College or Provincial Synod shall be only that to elect according to the requisites of ***Canon 78***, or from the Diocesan Bishops, in the case of a Provincial. In the case where a presiding bishop is appointed Pro-Tem, the Administrator of Record shall continue as a special administrator until an Bishop Ordinary (or Metropolitan Archbishop) is elected (finishing the remaining term, in the case of the Metropolitan Archbishop).

Canon 96

Those clergy and Prelates found not in compliance with the requirements of Canons 219 and 220 will be suspended ipso facto.

Canon 97

Any and all Bishops of the Orthodox Old Roman Catholic Communion in in any constituent Province must assist at the Consecration and/or Installation of anyone canonically elected as per ***Canon 95***, ***98***, or ***99***, if called on so to do, unless excused by the Adminstrator of Record for just cause.

Canon 98

The Metropolitan Archbishops shall be elected by the Provincial Synod for a period of ten (10) years, at their triennial Provincial Synodical session, and must be a Diocesan Bishop in the Province to be eligible for election. They continue to hold their Diocesan See during their tenure as Metropolitan Archbishop, and retain the honorifics of that office, and the pallium on their Coat of Arms, once their term expires.

Canon 99

The Primus shall be elected by the College from among the Senior Bishops, for a period of six (six) years, at their Triennial Collegial Session. It is strongly urged that a previous or current Metropolitan Archbishop be considered above other Bishops. He shall continue to hold his Diocesan See during his tenure, and retains the honorifics of office, and the pallium on his Coat of Arms, once his term expires.

Concerning Domestic Prelates and Honorifics

Canon 100

Domestic and Honorary Prelates are members of the Provincial or Episcopal Curia and are appointed by the Metropolitan Archbishop or the Diocesan Ordinary, respectively. They are Monsignori and such prelatures automatically devolve on those holding the office of Vicar General, Vicar Forane, or Apostolic (missionary) Vicar, as is long the tradition of the Church Undivided; Religious Superiors are also Honorary Prelates. They are directly responsible to their Ordinary as stated in their Letters of Appointment. Such prelates have the right to the exercise of Pontificals in their jurisdiction or conventual churches and in retirement from active ministry.

Canon 101

The Ordinary may, at his discretion, appoint Deans (Vicars Forane) to be in charge of the Deaneries, where a sufficient number of parishes or extensive parochial territories exist and where jurisdiction cannot otherwise be conveniently administered.

Canon 102

A. ***The Primus*** shall be designated as His Excellency, Archbishop Primus (Name), and styled as the Most Reverend and addressed as His (Your) Grace.
B. ***The Provincial Metropolitan Archbishop*** shall be designated as His Excellency, Archbishop (or by his choice, Bishop) Metropolitan Archbishop (Name), and styled as the Most Reverend and addressed as His (Your) Grace.
C. ***Coadjutor and Auxiliary or Diocesan / Ordinaries or Bishops*** shall be designated as His Excellency, Bishop (Name) and styled as The Most Reverend, and addressed as My Lord or His (Your) Lordship, or by "Bishop".
D. ***Domestic Prelates*** i.e. "Monsignori" or Canons, are to be styled as The Very Reverend (Name) and addressed as "Monsignor (Name)".
E. ***Superiors of Religious Orders of Men*** shall be styled as The Very Reverend (Name) and addressed as "Father".
F. ***Superiors of Religious Orders of Women*** shall be styled as The Very Reverend Mother (Name) and addressed as "Mother".

Any Bishop at his discretion may use the style or address "Monsignor" as is the European custom.

Concerning the Provincial Synod and the Diocesan Chapter

Canon 103

The Provincial Synod and the Diocesan Chapter respectively must meet at least once every three years.

Canon 104

§1. The Provincial Synod is convoked and presided over by the Metropolitan Archbishop. In the absence of the Metropolitan Archbishop, the Primus may preside, or if not the Primus the Chancellor of the Province may preside by particular mandate.

§2. The Diocesan Chapter is convoked and presided over by the Bishop of the Diocese; the Vicar General, by particular mandate, may take his place for this purpose. If the Diocese is *sedevacante*, the Metropolitan Archbishop may preside or the Primus in the absence of the Metropolitan Archbishop. It is to be held in the Cathedral unless there be good reason to hold it elsewhere.

Canon 105

§1. All Clergy of the Province (those not of a Diocese, in the case of a Synod) or the Diocese (in the case of Chapter) are to be present without exception when summoned to attend.

§2. Religious Orders present in the Province or in a Diocese shall be represented by the Vicar for Religious appointed by their regional or local Chapter of the Congregation of the Divine Charity.

§3. The following persons are members of the Diocesan Chapter:

The Ordinary and his Coadjutor and/or Auxiliaries;
The Vicar General, Vicars Forane, and the Chancellor (a layperson by canon);
The Pastors of Diocesan Parishes and the Chairpersons of the Parish Committees;
The Diocesan Vicar for Religious;
Any other secular with the dignity of Prelature (the Monsignori).

§4. The following persons are members of the Provincial Synod:

The Metropolitan and his Coadjutor and/or Auxiliaries and Suffragan Bishops;
All other Bishops within the Province not otherwise listed;
The Provincial and Diocesan Vicars General
The Provincial and Diocesan Chancellors (laypersons by canon);
The Servant Superior (at his option);
The Provincial Vicar for Religious;
The Provincial Episcopal Visitor;
Any other Provincial secular with the dignity of Prelature (the Monsignori).

§5. The following persons are members of the Primatial College:

The Primus, his Vicar General, and his Chancellor (layperson by canon);
The Metropolitans, their Vicars General, and their Chancellors;
The Servant Superior;
The Provincial Episcopal Visitors;
Any other Primatial secular with the dignity of Prelature (the Monsignori).

In all cases above, the term Provincial shall be those not exercising a Diocesan office, or Primatial not exercising a Provincial or Diocesan office.

Canon 106

Those clerics who are called to Provincial Synod or Diocesan Chapter but cannot, by legitimate impediment send a procurator in their place, must notify their Bishop why it is impossible for them to attend. The Metropolitan Archbishop or Diocesan Bishop with just penalties may compel those clerics who willfully neglect to attend either the Provincial Synod or Diocesan Chapter, with canonical consequences.

Canon 107

The Metropolitan Archbishop or the Diocesan Bishop may, before a Provincial Synod or Diocesan Chapter, appoint a committee to prepare the subject matter for discussion. Before the sessions open, a schedule or agenda is furnished to all those who are to attend.

Canon 108

Any proposed questions are to be submitted by the Bishop or the one presiding in his place to the Free Discussion of the members of the Provincial Synod in the preliminary session.

Canon 109

The Metropolitan Archbishop or Ordinary is the only executive in the Provincial Synod or Dicoesan Chapter, respectively. He alone signs the laws passed by the Provincial

Synod or Dicoesan Chapter, which, if they are promulgated in the Provincial Synod or Dicoesan Chapter, bind immediately.

Canon 110

In the event of a General Council of the Church, wherein the Episcopal College and Provincial Synods are present (or invited with 60 days notice), any laws, which are promulgated, must be ratified by the Council and executed (signed) by the Primus before they have any force of law.

Concerning Chapter Examiners

Canon 111

In each diocese, there must be Chapter examiners and parochial consulters who are all instituted in the Chapter, the Bishop proposing and the Provincial Synod approving them. There should be as many as the Bishop judges necessary but not less than two nor more than seven. This shall not bind upon a missionary Diocese administered by an Apostolic Vicar.

Canon 112

The Chapter examiners should faithfully lend their services especially in the examinations for appointment as pastors and in ecclesiastical trials.

Canon 113

For the examination of candidates for Ordination and of priests to be approved for confessions and preaching and for the yearly examination for junior Clergy, the Bishop is free to call these examiners or others.

Concerning Provincial and Diocesan Organization

Canon 114

The legal title of the Church in the Amercas and Pacific rim is The Old (Roman) Catholic Church of America (O[R]CCA which may also be abbreviated ORCCA). In the case of a coprorate entity extant, it may be Old Catholic Church of America (OCCA) and there is no mandate to change any corporation's name. The Provinces and Dioceses may use either or any of the Orthodox Old Roman Catholic Communion or Old Roman Catholic Church of America or Old Catholic Church of America, or their acronyms, for non-legal purposes. The legal title of the Church in Europe, Africa, and continental Asia is the Old Roman Catholic Church of Europe (ORCCE).

Canon 115

The Church consists of the Bishops, the Clergy and Laity. The Metropolitan Archbishop is the head of the Church in his province and all must render him the respect and deference due the high position entrusted to him.

Canon 116

The Ordinary has the right to choose any of the names in ***Canon 105*** for his non-legal purposes, and the Clergy and Religious in that Diocese must abide by that decision.

Canon 117

The Ordinary shall have the authority and the power to govern the Church and enact intermediate laws pending the next convened Episcopal College, Provincial Synod, or Diocesan Chapter. They shall act as the Ecclesiastical Court and all petitions for Rescripts, Dispensations, Offices, Benefices or Directions involving the Church shall be addressed to them. They shall contain the offices of the Penitentiary, Holy Office, Sacraments, Propaganda Fidei and Ritual Congregations existing in the Church today.

Canon 118

In those cases referred to them by Canon Law for adjudication, the Dicoesan Chapter shall be the Court and the Provincial Synod the Court of Appeal. The Metropolitan Archbishop (second instance) or Ordinary (first instance) is Ex Officio President of the court and the court of second instance constitutes the Court of Last Appeal in all but extraordinary cases where the Episcopal College may agree to hear such extraordinary appeal. If they decline to hear the appeal, then the decision of the court of second instance is final.

Canon 119

Upon his Consecration, a Bishop automatically is seated in the Provincial Synod and/or Diocesan Chapter and is entitled to Active and Passive Voice in its deliberations.

Canon 120

The Vicar General or Chancellor shall keep record of and ratify all Documents of Import affecting the Church for the Archives. They shall issue certified copies of any Documents of Import as needed and shall issue all of the Acts of the See.

Canon 121

In the years intervening between the regular Provincial Synod or Diocesan Chapter, it shall be the duty of the Curia to administer the Church as a legislative and judicial body under the guidance of the Metropolitan Archbishop or Ordinary.

Canon 122

It is the duty of the Provincial Synod to erect such Dioceses as may be expedient or necessary but before this can be done, there must be an actual need therefore. Until such need, there may be Missions of the Diocese, and any Diocese with a Mission must provide liability insurance in the amount of 2 million US Dollars.

Canon 123

Where Dioceses are not erected, Clergy may be designated by the Metropolitan Archbishop as Apostolic Vicars or Vicars General to assist in the administration. The Church must erect a Missionary Diocese within one year of first incardination of Clergy domiciled in any State or Foreign Nation, and that Clergy shall be designated as the Apostolic Vicar and Registrant for articles of Incorporation within that State. Should multiple clergy be incardinated in any State or Nation, the Metropolitan Archbishop must designate one of them as the Apostolic Vicar.

Canon 124

The Chancery Office shall be directed by the Metropolitan Archbishop (or Diocesan Ordinary for a Diocese) and shall consist of the Vicar General and Chancellor and such assistants as may be necessary to properly conduct the business of the Office.

Canon 125

It shall be the duty of the Chancery Office to receive and process all Church correspondence relative to the Jurisdiction and its lawful business, to receive and care for, all reports and certificates of Death, Marriage, Baptism and Ordination, Confirmation and any other papers necessary or expedient for the proper conduct of business within the Archdiocese.

Canon 126

The Chancery Office shall, at the earliest possible time after the Blessing of the Holy Oils, forward them, by Registered Mail, UPS, FedEx, or personal courier to the Priests of the Province via the Dioceses.

Canon 127

Any and all correspondence relative to Church Business shall be addressed to the Chancery Office and marked for attention to the concerned individual or Prelate. There shall be no deviation from this procedure.

Canon 128

Any of the Acts of the See, public documents or matter of import to the Church at large shall emanate and be published via the official publication of the Church and the Report of the Chancery Office issued monthly by the Chancellor.

Canon 129

The Monthly Report of the Chancery shall contain such pertinent information for the clergy at large, thus eliminating unnecessary correspondence, as may be expedient or necessary for the transaction of Church business.

Canon 130

The Chancery Office shall issue directory of the Church, giving all pertinent data of the approved clergy and religious. This directory shall to be circulated within the Church alone but not be available to casual inquirers. These directories as are distributed shall be kept up to date.

Canon 131

Each parish of the Church, including Conventual (exempt) parishes, shall tithe 5% (five percent) of their gross income to the Diocesan Treasury as a standing fund for the Chancery Office and they shall be given in return, all duplication of Marriage, Baptism, Confirmation certificates without further fee and shall be entitled to obtain any necessary rescripts without benefit of further charge. Each Diocese must tithe 5% (five percent) of their gross reciepts to the Province, and each Province 5% (five percent) of their gross receipts to the Office of the Primus.

Canon 132

This Chancery Fund shall be utilized for the necessary expenses of publishing the official organ of the Church, *Acta Metropolitan Archbishopi Sedis* and Chancery Report, and liability insurance. It is forbidden to use the fund for any other purpose unless directed by the Episcopal College, Provincial Synod, or Dicoesan Chapter, respectively.

Canon 133

A yearly Financial Report shall be made to the Clergy and laity, and shall emanate from the Chancery Office. It shall be certified by the Provincial Synod and Metropolitan Archbishop and Chapter and Diocesan Ordinary.

Canon 134

For the welfare of the Church, each of the Bishops assigned by the Metropolitan Archbishop is to administer to the separate areas of the Province and shall receive a letter stating the extent of his administration.

Canon 135

Such duties shall include those of a Diocesan Bishop pending erection of formal Diocesesan areas.

Concerning Parochial Appointments

Canon 136

The Bishop should not delay the appointment of a pastor to a vacant parish for more than six months, unless peculiar circumstances of place and persons induce the Ordinary to delay the appointment of the parochus.

Canon 137

The Bishop is bound in conscience to give the Parish to the cleric best qualified without favoritism.

Canon 138

The functions reserved to the Pastor unless the Law states otherwise are:

1. To baptize solemnly.
2. To carry the Blessed Sacrament publicly to the sick.
3. To administer the Holy Viaticum whether publicly or privately and to give Extreme Unction. *In extremis* i.e. case of necessity or urgency, any cleric may give the Last Rites with presumed permission.
4. To announce Sacred Orders, to assist at marriages or delegate them to a curate and to give the Nuptial Blessing.
5. To perform the Funeral Requiem of his Parishioners unless they themselves or the family have selected another Church for Burial Rites.
6. To Bless the houses on Holy Saturday or any other day according to Local Custom with the Blessing of the Ritual.
7. To Bless the Baptismal Font on Holy Saturday, and to have public processions outside the Church with all pomp and ceremony.
8. To be the Parish Executive Officer, and an ex-officio member of the Parish Committee.

Canon 139

If the Pastor be obliged to leave the Parish because of some very urgent business and must be away for over a week he shall, as soon as possible inform the Bishop by letter of the facts and shall state what priest he has left in charge. This canon shall not be construed to prohibit scheduled sabbaticals, retreats, or vacations, provided the needs of the faithful are properly met.

Canon 140

In cases where the priest is away from the Church for less than a week, he must provide for the wants of the people, especially when particular circumstances of the parish demands attention.

Canon 141

The Pastor must administer the Sacraments, become acquainted with the people and increase the fold, by conversion and example. He must counsel the straying, assist the poor and sick and give especial care to the instruction of Children in the Catholic Faith.

Canon 142

The Pastor must keep accurate, standing records of Baptism, Confirmation, Marriage, Deceased, Holy Orders and the Special Book of Mass Intentions and Visiting Clergy who may have said Mass in the Church. He should take care to have the census book as correct as possible and he shall keep these books with great care and according to the instructions of the Bishop.

Canon 143

In the Baptismal Record there should be a notice inserted regarding Confirmation and Marriage or Admission to Holy Orders or Solemn Profession. When issuing Baptismal Certificates, these facts should always be mentioned on the Certificates. Duplicates of all certificates shall be sent to the Chancery Office Immediately upon entering in the Parish Records.

Canon 144

§1 A mission becomes a Parish upon incorporation, and must incorporate before acquiring real Property. The Pastor should have a parochial seal and a safe place for the above mentioned books and documents where he should also keep the parish files for reference at some future time or in case of his decease.

§2 The Pastor shall have, and be an ex-officio member of, a Parish Committee of laypersons with responsibility for administration of the Parish Corporation and all financial matters. The Committee shall have full autonomy over the finances, but shall have the duty to fulfill all reasonable requests for necessary items requested by the Pastor for liturgical purposes. The Committee shall approve, and be responsible to pay, any salary to Clergy. This canon shall not be construed to give the Committee control of "stole fees", "Mass Stipends", "Sacristy Gifts" or other honoraria voluntarily given to the Clergy for their discretionary use.

§3. The Parish Committee shall elect a Chairperson who shall chair the meetings and serve on the Diocesan Chapter as a voting member.

§4. The Parish Committee shall at the earliest reasonable opportunity Incorporate as a Non-Profit Corporation in their State or Nation. They may use the 501(c)3 status of the Diocese or Province, if they so choose. Their bylaws and decisions shall not abrogate or violate these canons, except as may be necessary to be in compliance with statutes of the particular State or Nation. Such a corporation must provide and maintain liability insurance for the Parish in the amount of no less than 2 million US Dollars, and be subject to audit according to these canons.

§5. The Diocesan Ordinary having responsibility for the maintenance of Clergy, should have recourse to Parish assets for that purpose; the corporate bylaws established by a Parish Committee shall have a clause reverting all Parish Property, Real or other, to the Diocese in case of the Parish abandoning the Diocese or dissolving the corporation. This section shall not apply to Parish Corporations that join the Diocese having previously existed as a Corporation, until such time as the Ordinary is required to assign his own Clergy to the Parish.

§6. It shall be the duty of the Pastor to ensure complete financial reports, including legers, bank statements, tax documents, and the like are forwarded quarterly to the Diocesan Chancery, who will in turn provide a summary report to the Provincial Chancery.

PART IV: RELIGIOUS AND APOSTOLIC LIFE

Canon 145

§1. The purpose of the Congregation of the Divine Charity (CDC) is to regulate, facilitate and promote the religious life within the Orthodox Old Roman Catholic Communion. To this end, the CDC acts as a centre of focus, administration and governance that the clergy and faithful may have confidence in the discernment and governance of religious life and those societies of apostolic life which they may desire to join or form for the furtherance of the Faith, their personal sanctification and acts of collective piety, and in which to engage in common charitable works and collective acts of corporal mercy.

§2. The Congregation of the Divine Charity is an extra-territorial jurisdiction within the Orthodox Old Roman Catholic Communion and its Servant Superior enjoys all the rights and privileges of an Ordinary with jurisdiction to incardinate clerics, exercise jurisdiction over its members and institutions, ordain (if he be in episcopal Orders) or have men ordained (by another bishop at his invitation and direction) to the Sacred Ministry and has membership of the Episcopal College (whether he be a bishop or no), and is entitled to attend the Provincial Synod of any Province of the Communion with the same rights as a Diocesan Ordinary of that Province if there be members of the CDC in that Province.

§3. All Religious *(as defined in 1917 CIC 487-488*[11]*)*, whether Regular, Tertiary or of Confraternities or members of Institutes or Societies of Apostolic Life are directly under the Ordinary Jurisdiction of the Congregation of the Divine Charity (CDC) and the Servant Superior of the CDC from the moment of the acceptance of their Postlancy or Membership and are exempt from all particular law which may in the future be

[11] *"The religious state is a stable manner of living in common, by which the faithful take up, besides common precepts, also the evangelical counsels of observing by vow obedience, chastity, and poverty, [and it] must be held in honour by all."* Canon 488 gives definitions of terms that also apply within the Canons pertinent to Religious in this Supplement.

promulgated by any Ordinary or other prelate having local jurisdiction. Each Diocese which has Religious shall have two members of the Diocesan Chapter who are representative of the CDC. *This canon abrogates Canon 499& 500 of the 1917 CIC.*

Canon 146 *(cf 1917 CIC 489)*

§1. Religious are subject to the Common Law of the Church in the same sense as other clerics and are bound to observe all prescripts placed upon them by the Servant Superior.

§2. Rules and particular Constitutions of individual religious (institutes) not contrary to the Canons of this Code and of the 1917 CIC retain their force; but those that are opposed are abrogated (cf 1917 CIC 490[12]).

The Structure of the Congregation of the Divine Charity

Canon 147

§1. The Congregation of the Divine Charity is structured in the following way:

a) The General Chapter: is the highest authority in the CDC and consists of ALL the Professed members of member religious Orders/Institutes/Societies of apostolic life who each individually have speaking and voting rights in General Chapter.
    a. The General Chapter meets triennially, elects the Servant Superior and any officers for a term and discusses and defines matters pertaining to the good of the entire CDC.
    b. The General Chapter is above all a legislative assembly. A proposal becomes law for the whole Congregation only after having had the favourable vote of three successive Chapters. These three Chapters thus constitute, in a certain sense, a unity, since it is in this triad of Chapters that, according to the spirit of the Congregation, the entire legislative power resides. The mechanism of the three successive Chapters is provided with an aim of:
        i. stopping a new law from taking effect by way of improvisation or as the expression of a tendency of only one assembly;
        ii. providing time for reflection on the opportuneness of the new law;
        iii. avoiding facile and frequent changes which might create "confusion and bring ridicule upon legislation" (Humbert of Romans).
    c. In addition to its primary legislative function, the General Chapter has also a disciplinary function: it judges, punishes, deposes from office, etc.
    d. The General Chapter, naturally may treat of contemporary problems, but always with reference to the life and mission of the whole Congregation.
    e. General Chapter is also competent to give directives and orientations to the entire Congregation about the best way of living the respective

[12] *"What is established concerning religious, even if expressed in masculine vocabulary, applies by equal law to women, unless it is shown otherwise by the context of the words of the nature of the thing."*

charisms proper to the respective Orders/Institutes/Societies and to reach the men and women of their own day in the most fruitful way.

f. The General Chapter, which brings together the representatives responsible for the entire Congregation, is the best way to reflect in a communal way the apostolic ministries of the friars and preachers, the contemplative spirituality of the monks and nuns and the clergy in the social reality in which they all live and serve.

g. Present day problems are discussed in the General Chapter, always in reference to its specific job: legislation. The General Chapter, for example, may give orientations and suggestions but above all harmonises the norms of the entire Congregation so that all its members can live a religious life ever more faithful to the spirit of their Founders and can present to men and women of every era the message of the Gospel in a more appropriate and effective way.

b) **The Council**: is made up of all the superiors/leaders of the member religious Orders/Institutes/Societies of apostolic life and others by cooption as maybe required. The Council is responsible for day to day operations of the CDC fulfilling necessary administrative roles as required and implementing such policies and decisions that the General Chapter has agreed or the Servant Superior delegates or decrees.

c) **The Servant Superior**: is the canonical Ordinary of the CDC (ref ***Canon 136***) and may incardinate clergy, sponsor members for ordination and if a bishop be the one who ordains or delegates another to, and who refuses or restricts the same and is the final arbiter and decision-maker for all discussions or conflicts.

a. The Servant Superior serves as the equivalent of a "major superior" for all the member religious Orders/Institutes/Societies of apostolic life i.e. fulfilling those roles as and when necessary for their traditional/Constitutional/hierarchical structures e.g. as an Abbot for the Benedictines, as Master for the Dominicans, as Minister General for the Franciscans or any such role as necessary/required for institutes in formation etc and to fulfil canonical requirements (in this he is advised/guided by The Council).

b. Whether a member of any particular religious Order/Institute/Society of apostolic life or not, the Servant Superior is the guardian of all member institutes regarding their respective observance, spirituality, charism and apostolate, and receives all oaths/vows, obedience, respect and deference as befits the role he facilitates respectively for them or as delegated to another.

c. The Servant Superior represents the CDC to the bishops of the OORCC jurisdictions and is the main point of contact/reference and governance for the CDC between its members and external partners/agencies and jurisdictions.

d) **Internal Forums**: Each religious order/institute/society of apostolic life may, within themselves, have their own Chapters/assemblies for their internal direction and governance with respect to their tradition/charism/hierarchical structure. These are not to contradict those laws enacted by the CDC General Chapter where/when applicable, nor the directives of The Council, nor the decrees/decisions of the Servant Superior, nor these canons.

§2. When the Servant Superior acts as the Major Superior for an Order, it's as if he were a member of that Order/etc. So he, guided (by The Council) but also adhering to/following the tradition/Constitution of the Order he's acting for, can do nothing that contradicts their charism/spirituality/ethos etc. Thus, when he makes a decision or gives an order, it is received "as if" he were a Professed member and held that office within the Order, and is received in the same way.

§3. **The Episcopal Visitor** is a consecrated bishop and member of the Episcopal College appointed by the Episcopal College to,

a) act as a liaison between the world-wide Communion and the Congregation, representing the interests of both parties in pertinent discussions within the Episcopal College or Provincial Synods; and
b) shares together with the Servant Superior the responsibility for conducting periodic Canonical Visitations of residential religious houses and reviews of the religious Orders, Institutes, pious associations, Confraternities and Societies of Apostolic Life and reporting to the Episcopal College on the condition and status of such;
c) act as an independent arbiter of internal disputes within the Congregation and between the Congregation and other Ordinaries in the Communion;
d) when the Servant Superior is not himself in episcopal Orders, perform such episcopal functions as may be required by invitation and at the direction of the Servant Superior in his stead; and
e) act as an objective observer of the maintenance of the Congregation's Statutes in harmony with Canon Law, advising the Servant Superior regarding the administration of the Congregation.

Concerning the Establishment of Religious Orders, Institutes etc

Canon 148

§1. All Religious Orders, Communities, Institutes and Societies of Apostolic Life are automatically deemed to be under the jurisdiction of the Servant Superior and the auspices of the Congregation of the Divine Charity. Where any such expression of religious or apostolic life is not known to the CDC it is deemed to be canonically irregular and should be immediately suppressed by all lawful agents. This canon abrogates *Canon 492* entire of the *1917 CIC* except *§3*[13].

§2. In the case of Religious Orders and their Houses, Oratories or Communities and Institutes or Societies of Apostolic Life, the agreement of the Provincial Metropolitan Archbishop, the Servant Superior and the Ordinary of the Diocese in which they will reside is required for their establishment *(cf 1917 CIC 497)*. Only the Servant Superior by decree may found, erect or establish such.

§3. For the establishment of a Conventual Mission/Parish to be administered by clerics of the CDC, agreement must be sought from the Diocesan Ordinary in which such an apostolate would be situated.

§4. A Conventual Mission/Parish, though it be administered by clerics of the CDC who remain under the canonical jurisdiction of the Servant Superior, and though its administration may reflect the ethos of the charism of the particular Order or Insitutue,

[13] Canon 492 §3. *"Neither a name nor a religious habit already constituted can be assumed by anyone who does not belong to it or by a new religious [institute]."*

nonetheless its missionary endeavours and apostolates should compliment those of the diocese in which it is situated.

§5. Clerics and religious of the CDC may be invited by a Diocesan Ordinary to administer a diocesan Mission/Parish; in such circumstances, though the clergy be under the canonical jurisdiction of the Servant Superior, all their ministry and activity in the Mission/ Parish will follow Diocesan policies and guidelines and ultimately the direction of the local Diocesan Ordinary.

§6. Whether a Conventual or a Diocesan Mission/Parish administered by CDC clerics, the lay faithful remain members of the local diocese and under the jurisdiction of the Diocesan Ordinary who may make Visitations and ordinarily be responsible for the ministration of the sacrament of Confirmation.

Canon 149

Religious Institutions shall not be considered of a permanent nature, but allowed to continue under a provisional indult of both the Servant Superior and the local Diocesan Ordinary, until such time as the good works of the Institute show cause for permanency by stability, conformity to Canon Law and adherence to the Rule of the Order or Congregation; such a determination will be decided upon by agreement of both the Servant Superior and the Diocesan Ordinary.

Canon 150

TBD

Canon 151

Chaplains appointed for Religious Congregations of Laity or pious Confraternities if not clerics of the CDC shall remain subject to their Ordinary though following the directives of the Servant Superior of the Congregation in fulfilling the duties of their chaplaincy. In the matter of Regulars, the priests of the Order/Insitute shall serve in this capacity in the Daily Conventual Masses and Confessions. All chaplains, whether regular or diocesan clerics may utilize the practice of using a hebdomadary depending upon the common practice in force.

Canon 152

Religious may be secularized only upon petition to the Servant Superior and for good cause to be determined by him and the Episcopal Visitor after deliberation with the relevant Superior of their particular Order, Institute or Society of Apostolic Life. If clerics, they assume the status of secular clerics if the dispensation be granted and must find some Bishop willing to receive and incardinate them after the *rescript* and for which *litteræ dimissoriæ* will be issued by the Servant Superior as per ***Canon 21*** articles I & II.

Canon 153

Apostates from the Religious Life are forever impeded from the reception of further orders or the exercise of those already received.

Canon 154

Religious may be dismissed by action of the Servant Superior with the concurrence of the respective Provincial Synod. The Religious is entitled to an ecclesiastical trial, beginning with the Court of First Instance.

Canon 155
The preceding Canon shall not be deemed to include those dismissed because of ill health or general unsuitability to the Religious Life.

Canon 156
Religious may not transfer to another Order/Institute without an Indult from the Servant Superior.

Concerning the Suppression of Religious Orders, Houses or Institutes

Canon 157
§1. Religious houses may only be suppressed by order of the Servant Superior.
§2. A request for the suppression of a Religious Order or Institute of Apostolic Life may be made by the Episcopal College to the Servant Superior under the advisement of the Episcopal Visitor if there be reason to believe that:

a) The continuation of the House would impair the Faith or Discipline of the Church.
b) The Order or House is not abiding by the Rule, Constitutions/Statutes and the Canon Laws relating to the Order.
c) Practices contrary to the ideals of the Order are tolerated.
d) Scandal or opprobrium.

§3. This Canon replaces *Canons 493 & 498* of the *1917 CIC*.

Canon 158
§1. Religious of a suppressed Order or Institute remain subject to the Ordinary jurisdiction of the Servant Superior, unless and until they are released from their vows by him and excardinated from the jurisdiction of the Congregation.
§2. Clerics who have been excardinated from the Congregation immediately become subject to the Ordinary of the territory in which they reside and until incardinated and received faculties from him, may not exercise any sacramental ministry.
§3. Lay religious who have been released from their vows by the Servant Superior, immediately return to the condition of the lay faithful and become subject to the jurisdiction of the Ordinary in the territory in which they reside.

Concerning the Governance of Religious Orders, Institutes etc

Canon 159
All Religious Superiors and Chapters have dominative power over their subjects according to the norm of Constitutions and common law. In a Clerical Exempt Institution, Superiors have ecclesiastical Jurisdiction both for the internal and external forum as well.

Canon 160
Religious Superiors shall be at least thirty years of age and possess the necessary spiritual and moral requisites for the office.

Canon 161

All periods of Novitiate in all Orders/Institutes shall consist of at least one and preferably two years, according to existing custom.

Canon 162

Every year, the Servant Superior shall send a comprehensive report to the Episcopal College, which report shall be the basis for the Canonical Visit by the designated Episcopal Visitor.

Canon 163

Confessors of Religious shall be chosen by the local Diocesan Ordinary at the request of the Servant Superior for each religious house as the custom of having an outside confessor is preferable and may not be refused by the house Superior upon reasonable request made of the Superior *(Canons 518 & 519 CIC 1917 still have force).*

Canon 164 Religious in an Institute have the obligation to recite the Office in Choir and in all parishes where there are three priests or more, the Office shall customarily be recited in unison or antiphonally.

Canon 165 All correspondence of Religious shall be subject to the inspection of the Superior and all visitors shall have the approval of the house Superior.

Canon 166 All religious, both men and women, including Novices are exempt from the jurisdiction of the local Ordinary. The local Ordinary may preach in the Churches of exempt religious and may make a Canonical Visitation if so delegated by the Servant Superior or the Episcopal Visitor *(cf Canon 138 §3.b).*

Canon 167 A Religious who is elevated to the prelacy retains his Religious privileges except for voting rights within the order. He is released, however, from the vow of poverty, and authority of his superiors and remains subject to the Archbishop Metropolitan or other Ordinary. He may retain habit or choose the Simar at his pleasure, or use both, with discretion.

Canon 168

Religious may be dismissed by action of the Servant Superior with the concurrence of the respective Provincial Synod. The Religious is entitled to an ecclesiastical trial, beginning with the Court of First Instance.

Canon 169

The preceding Canon shall not be deemed to include those dismissed because of ill health or general unsuitability to the Religious Life.

Canon 170

Religious within a Diocese and within a Province shall constitute and meet as a Chapter of the Congregation at least four times in a year within a Diocese, and once a year within a Province. Each Chapter will nominate and elect one of their number as their Vicar for Religious to represent them at the Diocesan Chapter and Provincial Synod respectively and to liaise with and represent them to the hierarchy.

Canon 171

§1. All temporal goods shall be owned and held in common by the Community and shall constitute the assets of the individual Order/Insitute.

§2. All religious groups should establish the following;

a) A common bank account into which funds may be deposited instituting the Common Fund from which, at the bare minimum the running costs of the Order/Institute may be covered from, or a "common purse" be administered for the maintenance of the members or a religious house;
b) In the USA: register the Order/Institute as a 501(c)(3), the IRS code required to operate as a nonprofit, tax-exempt organization. Be sure to have a lawyer and accountant with nonprofit experience advise on the proper steps to register and operate legally.
c) In the UK: register the Order/Institute as CIC (Company Interest Company) with the Register of Companies in the first instance, with a view to incorporating as a Registered Charity with the Charities Commission later.
d) In other countries/nation states, register the Order/Institute as a non-profit or charitable corporation according to the applicable laws.

§3. All religious houses so instituted shall keep accurate accounts of all funds except stole fees and shall conduct a yearly audit. To facilitate this, Economes shall be appointed by the house Superior to administrate and record the finances *(with ref to 1917 CIC 516 §2&3).*

Concerning Institutes of Religious Life for Women

Canon 172

Provision is herewith made for the establishment of female institutions for the reception of sisters who shall likewise come under the direct jurisdiction of the Servant Superior of the CDC.

Canon 173

Pending future legislation, no Order of nuns or sisters shall be of the second order, until they shall prove stability by means of the Tertiary Rule of the concerned Order.

Canon 174

It is forbidden to designate any woman as a so-called Deaconess and by this Codex is recognized the only establishment as in ***Canon 147***.

Canon 175

It is deemed prudent that Religious Orders of women shall, before their institution, prove to the judgment of the Servant Superior and the Provincial Synod that they are sufficiently financially endowed to subsist with the requirements of ***Canon 149*** established as a minimum.

Canon 176

§1. There are two expressions of religious life for women,

a) Monastic Nun: confined to a particular religious house and who profess Solemn Vows.
b) Religious Sister: engaged in active apostolates living under Simple Vows.

§2. In monastic convents, the Chapter of the convent shall elect their Superior who is styled either "Mother Abbess" or "Mother Prioress". In an institute for religious sisters, the senior sister shall be designated as the "Reverend Mother Superior", and elected by vote of the sisters.

Concerning Institutes of Religious Life for Both Men and Women:

Canon 177

§1. Application for Postulancy or admittance as an avowed religious is made to the Servant Superior directly *(cf Canon 538 CIC 1917[14])*.

§2. The Congregation operates a Common Postulancy, all applicants will experience a minimum one year Postulancy under the aegis of the CDC to discern their vocation to religious life in general before then being introduced to the Orders/Institutes constituent within the CDC. After at least a year, a Postulant will be invited to consider exploring an extended Postulancy or junior Novitiate with the religious Order or Institute they feel called to. This Canon abrogates Canon 540 §1. of CIC 1917.

Canon 178

§1. Postulants to monastic or residential communities must perform a Postulancy of at least six integral months in addition to the Common Postulancy of the CDC *(cf Canon 161 §2)* ref Canon 539 CIC 1917.

§2. Postulants to monastic or residential communities will be required to go through extra vetting procedures, at their own expense, including;

a) a professional Psychiatric Assessment
b) a full Medical Examination
c) a full Criminal Records check
d) an ID Document check
e) a Credit History check
f) a full References check

§3. When all such reports have been submitted to the Servant Superior together with a general confession of their prior life as described in Canon 541 CIC 1917; Postulants shall serve as guests for a minimum period of three weeks prior to admission into the Order/Institute's designated habit for a Postulant (cf Canon 540 §2. CIC 1917).

Canon 179

Following approval by the Servant Superior upon the completion of all that is necessary and required for Postulancy (ref ***Canons 177 & 178***), Religious Superiors are competent to admit the petitioner to the Novitiate when he or she deems it wise.

[14] Canon 538: "Any Catholic who is not prevented by a legitimate impediment, and who is moved by right intention, and who is suitable for the burdens imposed by religious [life] can be admitted into a religious [institute]."

Canon 180

§1. Impediments to admission to the religious life are listed in Canon 542 1º CIC 1917 however, those listed in the same canon, Canon 542 2º also have force but should be regarded as impediments comparable to the first list i.e. invalidly admitting someone to the novitiate.

§2. In addition to those listed in Canon 542 referred to above, the following apply;

(a) those who have not completed their twenty-first year;
(b) those who enter Religion under grave force or fear, or for ulterior motives;
(c) married persons, as long as the bond exists unless the spouse agrees to perpetual continence;
(d) those who are liable to punishment or who have been punished for a notorious crime deemed sufficient to cause rejection.

Canon 181

The violation of an unjust law does not impede as in ***Canon 180***.

Canon 182

All applicants for admission to the religious life (including and in addition to those requirements for Postulants to residential religious communities described in ***Canon 177***) shall submit their Baptism and Confirmation papers, testamentary letters from five reliable persons and from their pastor together with a complete *curriculum vitæ* and transcript of scholastic records from all tertiary and higher education colleges attended and high school/secondary and grammar schools attended.

Canon 183

Conditions of the novitiate shall follow the prescripts of the Canons 543-552 CIC 1917.

Canon 184

The vows shall conform to the prescripts as set forth in the Constitution of the concerned Order and shall be approved by the Servant Superior.

Canon 185

Solemn Vows may only be received by the Servant Superior and with his approbation for the profession to take place, or they may be received before a Bishop or Prelate appointed by the Servant Superior, and shall be binding for life.

Canon 186

Simple or Temporary vows may be pronounced by the Novice before a designated Religious of that Order/Institute or any other Order/Institue within the Congregation at the Servant Superior's direction (*cf Canons 572 to 586 CIC 1917*). Seculars are forbidden to receive vows except *in extremis* (at point of death) or in exceptional circumstances, by application to and dispensation from the Servant Superior.

PART V: THE SACRAMENTS

Concerning the Rites and Liturgies

Canon 187

§1. The following are to be considered the approved typical editions of the forms of Rites and Liturgies to be used in the celebration of Sacraments, Sacramentals, Blessings and the most holy and august Sacrifice of the Mass or Divine Liturgy:

(a) *Rituale Romanum* 1944 1952
(b) *Benedictionale Romanum* 1873
(c) *Collectio Rituum* 1954
(d) *Pontificale Romanum* 1891 1895
(e) *Cærimoniale Episcoporum* 1886
(f) *Missale Romanum* 1884

Due to the rarity and scarcity of these books, it is permissable to utilise earlier or later editions of these books where such content is known to be or deemed to be consistent with the above editions or where the vagaries of modern elements are identifiable and thus avoidable. The following editions are known to contain variations contrary to Tradition:

(a) *Rituale Romanum* 1962 1964
(b) *Collectio Rituum* 1961 1964
(c) *Pontificale Romanum* 1962
(d) *Cærimoniale Episcoporum* 1961
(e) *Missale Romanum* 1948 1951 1955 1962 1965 1967

§2. The following English translations are permitted noting their year of publication/edition and are known to be in harmony with those Latin editions given above:

(a) *The Old Catholic Missal & Ritual* 1909 also known as the *"Mathew's Missal"*
(b) *The Roman Ritual* Vol I. 1948 Vol. II 1952 Vol. III 1945
(c) *The English Missal* 1912 (the 1958 edition and later are <u>not</u> authorised)
(d) *The English Ritual A Companion to the English Missal* 2011
(e) *The OCCA Missal* (with corrections per c. 188 &c).

There exist various bilingual e.g. English/Latin publications of the *Rituale Romanum* or collections of materials from it and the *Collectio Rituum* and *Benedictionale Romanum*, all of which are acceptable for use where the publication dates predate 1961. Regardless of version, the "filioque" or vernacular equivalent is to be omitted in all Masses in these jurisdictions.

Canon 188

The following Mass Propers are expressly forbidden:

(a) Missa *"Si diligis"* 1948 of the *"Common of Popes"*
(b) Missa *"Signum magnum"* 1950 for the *Assumption of the BVM*
(c) Missa *"Gaudens gaudebo"* 1863 for the [*Immaculate*] *Conception of the BVM*

Instead of the *"Common of Popes"* are to be used the appropriate Common Propers in the Missal for a Confessor or Martyr Bishop. The traditional Mass propers for the Marian feasts above will be found in the *Missal Supplement* to the Kalendar.

Concerning The Sacrament Of Holy Orders

Canon 189

Only a Baptized man (a genetic male) can receive the Sacrament of Holy Orders. For the licit reception of the Sacrament, the candidate must have the qualifications as deemed necessary by the Ordinary, be of the highest moral and spiritual character and be not addicted to frivolous nature.

Canon 190

All candidates for Holy Orders shall have the approval of the Director of Formation of the Jurisdiction.

Canon 191

All candidates must qualify themselves academically for the Order to which they aspire, according to the policies for Clerical Formation.

Canon 192

First Tonsure and Minor Orders shall be given to those who intend to exercise the Order in perpetuity or for a specific period of time, or ascend to the Subdiaconate, Diaconate, or Priesthood and who, in the judgment of the concerned authority, posses the necessary qualifications. Minor Orders for Religious may be given by the Superior, as the Superiors are canonically Prelates. All who minister at the Altar regularly should be encouraged to strive toward the minor order of Acolyte starting after reaching requisite age of 16 for First Tonsure.

Canon 193

The Canonical intervals shall be observed and no Bishop may dispense from them without the written permission of the Metropolitan Archbishop.

Canon 194

In Order that a candidate may be licitly ordained, he must:

1. Have been Baptized and Confirmed.
2. Possess good moral character and reputation.
3. Be of the canonical age.
4. Possess the requisite knowledge.
5. Received the prior orders.
6. Have observed the proper intervals between orders or a proper dispensation.
7. Posses or be incumbent for an absolute canonical title or benefice if it is a question of major orders.

Canon 195

Tonsure shall not be given before either the 16th birthday. Tonsure and the Order of Porter may be concurrent, all other orders shall have a minimum of 6 months tenure in the current order before the next is given. Subdiaconate shall not be conferred before the 21st birthday, the Diaconate before the 22nd, and the Priesthood before the 24th birthday.

Canon 196

The Orders must be given in proper succession and the omission of any is forbidden.

Canon 197

The following are irregular ex defectu: Insane and possessed, persons notorious or infamous, and those previously admitted as candidates who apostatized. The impediment is perpetual, unless dispensed by authority of the Metropolitan Archbishop or Provincial Synod.

Canon 198

Every candidate, before he is ordained must be academically qualified for the Office to which he aspires. The Ordinary is the examiner of academic record, or he may designate the Provincial Synodical Examiners.

Canon 199

All candidates for Orders shall make a retreat for a period of no less than three days as designated by the Ordinary or Religious Superior.

Canon 200

In conferring Holy Orders, all the prescriptions of the Pontificale Romanum must be meticulously observed. If the vernacular is used, it must be an exact and full translation from the Latin Pontificale. No other rite for the conferring of Holy Orders shall be tolerated. This does not prevent the Mass of Ordination from being according to the Missal of the Old Catholic Church of America.

Canon 201

There is to be no addition or subtraction to the Pontificale with the exception of oaths to the Roman Pontiff or reference to the Apostolic See.

Canon 202

The Mass of Ordination must be said by the Ordaining Bishop (or Superior in case of Minor Orders for Religious). To this there can be no exception except for infirmity, and in that case another Bishop must say the Mass of Ordination.

Canon 203

All those ordained are obliged to receive Holy Communion during the Mass of their Ordination.

Canon 204

All Ordinations and Consecrations shall be performed on the days prescribed by ecclesiastical custom except in cases of necessity of the Church.

Canon 205

Whenever an Ordination is to be repeated for defect, or sub-conditionally, it may be done outside the regular times but at least 2 people must witness the event.

Canon 206

Authentic certification of the Orders shall be given the Ordinands by the Ordinary and adequate record made in the archives of the Church without delay.

Canon 207

There will not be any Ordination or Consecrations of any person not intending to exercise those orders in the Old (Roman) Catholic Church of America or the Old Roman Catholic Church of Europe. Violation of this canon is punishable by excommunication of both the Ordaining Prelate and the Ordinand.

Canon 208

§1. Any orders received sub rosa by members of the Old (Roman) Catholic Church of America, The Old Roman Catholic Church of Europe, or from other Jurisdictions are illicit and irregular and may not be exercised within this church. The defect is perpetual and only sub-conditional ordination or consecration in proper form, by and with competent authority under these canons will relieve such dereliction; full disclosure of such must be made to avoid future declaration of defect.

§2. Nothing in this canon shall be construed to prohibit Holy Orders done *in pectore* for good reason, such as *in partibus infidelibus,* provided all other conditions are satisfied.

Canon 209

Any person ordaining without at least the implicit approval of the Metropolitan Archbishop (or Diocesan Ordinary or Servant Superior in those jurisdictions) is ipso facto forever impeded from ever exercising his orders, subject to appeal to the Ecclesiastical Courts. Any Bishop consecrating without Mandatum is subject to the same penalty and possible excommunication. (cf. ***Canon 25, Canon 82***).

Concerning The Sacrament Of Baptism

Canon 210

The Sacrament of Baptism is conferred following the Eastern and Western Rites according to the customary matter and form. Any person may baptize in danger of death.

Canon 211

Baptism by non-trinitarians or if trinitarian form is not certain, the baptism is considered defective and should be administered sub-conditionally.

Canon 212

The ordinary minister of Baptism is the priest. The extraordinary ministers are deacons or the laity or if death be immanent, any person. Deacons may baptize solemnly, however, with permission of their superiors.

Concerning The Sacrament Of Confirmation

Canon 213

The Bishops and Prelates are the ordinary ministers of Confirmation. Priests may be delegated to perform the Sacrament in case of necessity.

Canon 214

The Sacrament should be administered yearly, or at least every two years in all parishes and missions in case of hardship of travel. The pastors should attend to the catechetical instruction of the candidates and have them prepared in due times. The normative age for administration of the Sacrament is after commencing the eighth grade.

Canon 215

The Sacrament should be administered prior to the Sacrament of Matrimony if the partners have not received it before that time.

Canon 216

Certification shall be made of all Confirmations and proper entry made in the archives of the Chancery and parish.

Concerning The Sacrament Of Holy Eucharist

Canon 217

The Sacrament of Holy Eucharist shall be given to baptized children before the age of reason as is the practice in the Eastern Church, and to baptized neophytes who have abjured heresy and have had first confession, even if not yet confirmed.

Canon 218

The practice of admitting all to open communion is a corruption of the apostolic practice and is not to be tolerated. The most ancient tradition prevented the catechumens from communicating and his persisted until they were admitted to the Body of the Catholic Church in Baptism. Tertullian, in his writings informs the Roman Emperor of this custom. Only Baptized Christians of Catholic, Orthodox, or Liturgical Protestant faith who profess the Real Presence of Our Lord should be admitted to communion. Willful violation of this canon is punishable and culpable. Chaplains (military and first responder) may extend this to any Baptized Christian who professes the Real Presence of Our Lord.

Canon 219

The Sacrament of the Eucharist should be refused to notorious sinners until they repent, the immodestly dressed or those possessing sentences of interdict or excommunication.

Canon 220

Children at the age of reason should receive adequate instruction through their pastor or designated Catechists in the Catechism to continue the reception of the Sacrament.

Canon 221

The Holy Eucharist should be received frequently in accordance with the most ancient of traditions for the spiritual wealth and grace it affords.

Canon 222

The Sacrament of the Eucharist shall be administered in the manner of the Rites approved by the OORCC, and the laudable practice of giving the Species under both

forms should be used, separately or by intinction. The reception of Communion by either Oriental Rite or Roman Rite laity in an opposite Rite is allowed and encouraged.

Concerning The Sacrament Of Matrimony

Canon 223

The Sacrament of Matrimony by its very nature can only be valid between a genetic male and genetic female who are free of impediment, and its primary end is the conception of children and their nurture. Openness to the conception of children is of the essence in regard to Sacramental intent and the witness (c.f. ***Canon 224***) shall examine that intent before allowing the Sacrement to be confected.

Canon 224

The ordinary ministers of the Sacrament are the Groom and Bride, witnessed by a Deacon, Priest, or Bishop of the Church. The normative Liturgy should be a Nuptual Mass.

Canon 225

The Sacrament is independent of any legal status afforded to marriage by the Nation or State, and Sacramental Matrimony may be afforded without regard to any secular law or license.

Canon 226

Annulments are to be granted only by the Diocesan Ordinary or Metropolitan Archbishop according to the codex of 1917 (c.f. ***Canon 1***) except that in the case of abuse, adultery, or other aggregious or infamous act, the Dicoesan Ordinary, after diligent investigation of the facts, may grant annulment to the innocent party removing all impediment to Matrimony or Holy Orders or Religious Profession to that innocent party.

We, the undersigned members of the Holy Synod possessing ordinary jurisdiction within our territories and Sees, having approved and published the above Canons, as amended or corrected, direct that they be immediately enforced in the Church, witnessed by our names and seals this ninth day of november in the year of Our Lord, twenty thousand and seventeen, Chicago.

+Jerome OSJV Seleisi	+David Ludoviciana	+Charles Visconsinia	Nioclás+ Ó Ceallaigh OSF
Primus et Metropolitanus	*Metropolitanus*	*Metropolitanus Emeritus*	*Vicarius Capitularis Sicagum*

Quinto Idus Novémbris MMXVII Anno Domini, Sicagum